

# S P E E C H

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## C H A R L E S D. D R A K E,

O F S T. L O U I S,

Delivered at a Union Meeting, at the City of Louisiana, Mo.,

J U L Y 4, 1861.

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THE NATURE OF THE UNION—STATE SOVEREIGNTY—JEFF. DAVIS' MESSAGE—NATIONAL AND STATE ALLEGIANCE—ALLEGIANCE TO KING COTTON—RIGHT OF REVOLUTION—THE SOUTH CAROLINA DECLARATION OF CAUSES FOR SECESSION REVIEWED—THE DUTY OF MISSOURI.

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S A I N T L O U I S:

P R I N T E D AT THE MISSOURI REPUBLICAN OFFICE,  
1861.

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# S P E E C H.

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FELLOW CITIZENS: Honored by your invitation to address you on this venerated and cherished anniversary, I was led to comply, not less by a sense of dutiful obligation to our mother land, than by the impulse of true and reverent affection for those free institutions, which have been to the American people only a fountain of inestimable blessings, but which are now threatened with disaster, if not subversion and destruction. Clouds and darkness are above us; the fires of unholly and reckless passions are around us; the convulsed earth trembles beneath us; *and there is no WASHINGTON!*

At such time, I rejoice—and who that pretends to patriotism will not rejoice?—that I can still salute you as *fellow citizens*, not only of the noble State we inhabit, but of those United States, to the Union of which Missouri owes her existence as an American State, and from the Union of which her people have received untold benefits. The bond of brotherhood between us is not yet severed; and here, as brothers, beneath the glorious flag which symbolizes that Union, let us devoutly thank the God of our fathers for His goodness in the past, and humbly implore Him to keep us brothers yet, and to restore our beloved country to its former high estate.

In the outset I would announce the character in which I appear before you to-day. I am not here as a Northern or a Southern man, an Eastern or a Western man; nor as a "Democrat," which I am; nor as a "Republican," which I am not, nor ever was; but simply as an AMERICAN CITIZEN; more than content with the glory of that title, and ambitious only that it may not, now or ever, be sullied by any act or word of mine. With profound reverence I have, from my youth, followed the teachings of the great lights of our country, from WASHINGTON to the present day, and from them learned to love the Union of the American people above all other human institutions. It is, with me, the pre-eminent embodiment of all national wisdom, beneficence, and greatness. At the age of sixteen I was solemnly sworn to support the Constitution which sprung from that Union, and on other occasions since, that oath has been repeated, until, by its influence, combined with that of every year's added experience, fidelity to that Constitution has become an intimate portion of my very existence; never to be destroyed, I hope, until that

existence shall itself cease. Here and elsewhere, to you and to all, I declare that so far as any past or existing causes of dismemberment are concerned, I am, in life or in death, *for the UNION*.

A third generation has almost passed away, since on this day eighty-five years ago, the American people proclaimed themselves to be, as they had already in fact long been, ONE PEOPLE, and solemnly before the world united their destinies for all future time as A NATION—a new, an independent, a republican, and as time has shown, a great nation. Three millions of people were born as a Nationality on that day, baptizing themselves in streams of their own best blood, shed for liberty and national existence: to-day, the same Nation, grown to more than ten times its original numbers, a thousandfold increased in physical power, and standing so lately without a superior in moral greatness among the nations of the earth, stains itself—O! shameful and horrible sight!—with the blood of its own people, shed in a strife provoked by passion and madness—a strife such as men have not seen before, and as the civilized world beholds with perplexity, amazement, and dread.

Under such circumstances, you will not expect that any other topics than those which so sadly engross every mind, should be now presented to you. *Our Country and its perils* is the all-absorbing theme; involving an examination of the nature of our institutions, and a discussion of the startling rebellion which has burst upon us within the past six months, threatening their overthrow; and to that examination and discussion, in a frank and fearless spirit, but without exasperation or passion, I shall now address myself; earnestly invoking the supremacy of reason and of conscience, while we faithfully seek to know and understand THE RIGHT.

## THE NATURE OF THE UNION.

THE UNION—offspring of kingly oppression; nursed in a cradle of blood and fire, yet, Hercules-like, strong enough in its infancy to strangle the serpent that would have crushed it; respected by every foreign nation, while yet the dew of its youth is upon it; admired and venerated by the oppressed of other lands; beloved by every patriotic American; and alas! contemned and hated by none in the whole world but its own child-

ren: *what is it?* We were most of us born in the Union; we have been reared under its benign influence; we have daily and hourly experienced its protection and its benefits; we enjoy, through it, the name and heritage of American citizens: and yet we are constrained in this day, when ungoverned malignity assails it on every side, and ruthless hands are raised for its destruction, to ask the strange and apparently superfluous question—*What is the UNION?* My friends, strange as it may appear, upon this question turns much of the bitter controversy of this dark epoch in our country's history. It lies in the foreground of every discussion of existing complications; and those complications have, to a great extent, grown out of the efforts of ambitious and unscrupulous men, to close the popular mind against what the Union is, and to lead the people to regard it as what it is not, and thereby weaken their affection for it: a work better fitted for fiends than for men, but which fiends could not have done better than it has been done by men, who owe to the existence of the Union all the position and influence, which they have sacrilegiously used for its destruction. As to them, we may leave them to time and to God; but with the errors they have disseminated we may never, without guilt, cease to contend; for wherever they are implanted, the warm, all-embracing love of country, which should fill every American heart, withers and dies.

In the States where secession has been accomplished, so far as ordinances of secession could accomplish it, a period of more than thirty years has been uninterruptedly occupied by their leading men, in convincing their people that the Union sprang from the Constitution of the United States; that the Constitution is a mere league between separate and sovereign States, from which any State has a constitutional right to withdraw at any moment, for any cause she may deem sufficient; that allegiance is due from every man, primarily and by superior obligation, to the particular State of which he may happen to be a citizen, and only secondarily and by inferior obligation to the United States; and that the Government of the United States is a mere agent of the States, for particular purposes, with the privilege in any State to terminate the agency, as to itself, whenever it pleases.

It is out of my power to conceive of views in regard to our system of government, more false in their nature and more deadly in their effects, than those; and my undoubting conviction is, that but for their steady inculcation on the minds of a portion of the American people, until an entire generation have been educated to believe in them as fundamental truths, we never should have seen the terrible events of the present time. Those doctrines have undermined the broad and apparently immovable foundations of the Union, in every heart which has received them, and have accomplished, by insidious approaches and covert attacks, what open disloyalty, in the first instance, could never have effected. They have falsified and degraded the Union our fathers formed, and the government they framed to strengthen and perpetuate it; and the foreseen and designed result is, that while, a few years ago, the whole American people held their National Government to be the best the world ever saw, and their Union the most sacred object of their attachment as Americans, millions of them are now engaged in a fierce and desperate effort to destroy both, even though in doing so they destroy the best hope and refuge of freedom on the earth. Against such inexplicable and suicidal madness, I would appeal to you to-day. In doing so, I am, more than ever before, deeply

convinced that a frequent and thoughtful recurrence to great fundamental doctrines and principles is the very life of a republic; and I shall therefore not rest upon the surface of passing events, but go back to the source of our grand fabric of Union and government, and endeavor to renew our veneration and love for it, by exhibiting the organic and vital principles, upon which alone I consider it was erected, and resting upon which I believe it would endure as long as humanity itself.

*When was the Union formed?* is a question of far-reaching import in determining what the Union is: so much so, that it is the subject of systematic and persistent falsification among those who aim to overthrow the Union. Their idol doctrine is, that the Union is a compact or league between sovereign States; and to sustain and spread the worship of that idol, they must refer to something written down, as compacts and leagues between States always are. Therefore, they fix upon the Constitution, and claim it to have been the origin of the Union. The South Carolina Convention, after passing an ordinance of secession, put forth an address to the people of the slaveholding States, the first sentence of which is a repetition of historical error on this point, in these words: "*It is now seventy-three years since the Union between the United States was made by the Constitution of the United States.*" To say that the members of that Convention did not know this statement to be untrue, is to affirm their ignorance of history, and of the very first line of the Constitution. The Constitution itself declares *why* it was established—assigns several reasons; the first of which is, "*in order to form a more perfect Union:*" words which are meaningless, if they do not affirm that a Union had before existed. And the letter of WASHINGTON, as President of the Convention, communicating to Congress the Constitution, stated that the Convention had "*kept steadily in view that which appeared to them the greatest interest of every true American—THE CONSOLIDATION OF OUR UNION:*" a form of expression, equally with the other, declaring the pre-existence of the Union. It is, then, not only historically true, but explicitly recorded in the Constitution, that, so far from the Union springing from the Constitution, the Constitution was the offspring of the Union.

Searching backward for the beginning of the Union, we find that on the first day of March, 1781, nearly five years after the Declaration of Independence, the Articles of Confederation, which had been formed by the Continental Congress, in 1777, were finally adopted by the Delegates of the thirteen States, and became, during the few years of their existence, the bond, but not the origin, of Union; for we know from history that the Union existed before.

Again proceeding backward, we see that the Declaration of Independence began with this remarkable expression—"When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another," and closed with the announcement "that these *United Colonies* are, and of right ought to be, free and independent States." The phrase "one people" applied to the people of the "United Colonies," can leave no doubt of the view they entertained of their relation to each other. They considered themselves united, as one people, and they referred to a Union then already in being.

Looking still further back in the record of events, we find that on the 5th of September, 1774, the Continental Congress, composed of delegates from all the Colonies except Georgia—

which was afterwards represented—was convened in Philadelphia.

Though as far back as 1637 the idea of a confederacy between some of the Colonies had been presented; though a convention was held in Boston, in 1643, to form a confederacy among the New England Colonies; though in 1754 a Congress of delegates from seven Colonies was convened at Albany, and unanimously resolved that a union of the Colonies was absolutely necessary for their preservation; and a similar Congress of delegates from nine Colonies was held in New York, in 1765; all indicating the tendency of the American mind to entrench the separate and scattered communities within a citadel of union: yet the Congress which convened in Philadelphia, in 1774, composed of delegates appointed by the popular or representative branch of the Colonial legislatures, or by conventions of the people of the Colonies, and styling themselves in their more formal acts “the delegates appointed by the *good people* of these Colonies,” was the first general or national government which existed in America; and its very assembling was a declaration of Union, as its act, nearly two years afterward, was a Declaration of Independence. That Congress continued in existence, exercising, *de facto* and *de jure*, a sovereign authority, not as the delegated agents of the existing Colonial governments, but in virtue of original powers derived from the people, until it was superseded, in 1781, by the government established under the Articles of Confederation.

On the day, therefore, of the assembling of that Congress, the grand idea of American Union attained its full development, and expanded into action. That was the birth-day of United America—the natal hour of our hallowed UNION. We celebrate the fourth of July for our Independence; but we take no note of the fifth of September for the Union, without which Independence would never have been achieved, or, perhaps, meditated.

Having thus traced back the stream of Union to its source, let us observe for a moment the character of the people who then commingled their fate, and the circumstances with which they were surrounded. They were, in language, lineage, and institutions, essentially one people, as they then organized and consolidated themselves into one nation. Nearly the whole body of them were immigrants from Great Britain, or their descendants. They all acknowledged allegiance to the British crown, from which they had received their possessions and their chartered privileges; and all looked to the common law of England for the regulation and maintenance of their individual rights of persons and property. Trade between the Colonies was unrestrained. An inhabitant of one Colony might inherit from an ancestor or kinsman dying in another. They were not only bound together by community of origin, but by ten thousand ties of kindred and affinity, interlaced through every city, village, and settlement, from the Piscataqua in the frigid North, to the St. Mary's in the flowery South. They were, with partial exceptions, of the same religious faith, and read in their common language the same Bible. The history of England was the history of their fathers and their ancestral institutions, and whatever of glory was there written was their common inheritance as Englishmen. They passed from Colony to Colony, and from point to point, as freemen, and were equally at home in every place, and equally protected everywhere by similar laws, framed and administered by themselves. There were among them no transmitted feuds or heredita-

ry animosities, no strifes of rival leaders or wars of factions, no struggles for lawless supremacy of one Colony over another, no greed of conquest from each other: from all these curses, flowing from the unholy passions of men and of races, they enjoyed in their secluded home a happy exemption, through their essential unity. Subjected, as they were, to annoyances and perils from the savage foes around them, who long threatened their destruction, they united their forces in the common defense, and worked on bravely and sternly, in the common cause of securing for themselves and their posterity an abiding and peaceful home, under laws and institutions fit to nurture freemen. They were, in short, by every circumstance surrounding their homes, by their relations to each other, and by their own expressed assent, ONE PEOPLE; separated, it is true, into thirteen several municipal organizations, having in many respects diverse interests, but still not the less in mind, in heart, and in destiny, ONE.

Now, my friends, you and I are descendants of that people; and I ask you if it is not true—if you do not in your hearts *know* it to be true—that when, in the incipient stages of the Revolution through which they were called to struggle, they magnanimously put aside all local differences and jealousies, and with one impulse combined their efforts, their fortunes, their lives, their all, against fearful odds, for the redress of their common grievances at the hands of the mother country, and for the Independence which they resolved to achieve, they evoked an already existing feeling of unity, and did, in the very essence of the term, form a full, unreserved, and practical Union of THE PEOPLE, intended by themselves to be perpetual? Did they not, as perfectly as any people ever did, constitute and declare themselves a single and undivided NATION? Is there in all history an instance of such a union among a people who did not feel themselves to be, in every important particular, the same people? Why, even before the Union was a fact in history, the feeling in the North in reference to it was expressed by JAMES OTIS, one of the leading patriots of Massachusetts, in the Convention of 1765, in the hope that a Union would be formed, which should “knit and work together into the very blood and bones of the original system every region as fast as settled; and from the distant South great-hearted CHRISTOPHER GADSDEN answered back—“There ought to be no New England man, no New Yorker, known on the continent, but ALL OF US AMERICANS.” And when, after the Union was a recorded and mighty fact in history, the united people, through their Congress, organized the first form of government for the new-born nation, they solemnly wrote down in the Articles of their Confederation, “THE UNION SHALL BE PERPETUAL.” If any further evidence is desired of the character of the Union, and of the intention that it should endure forever, recur again to that first line of our noble Constitution, declaring itself to have been established “in order to form a *more perfect Union*”—more perfect in its principles and its machinery, and more perfect in its adaptedness for perpetuity.

The question, *What is the Union?* is answered. It is no league of States, no compact between different peoples, no treaty between rival powers, but a voluntary, complete, and permanent coalescence of the several parts of one people, for their common defense, and to secure to themselves and their posterity the blessings of freedom and self-government. When I call to your earnest remembrance, that this Union

was formed without any express or formal stipulation; that it rested in the outset solely upon the good faith of the people toward each other; that it was consummated before their Independence was declared, and in advance of any written form of General Government; that it was the free-will offering of the heart of the struggling Nation upon the altar of liberty; and that it was upheld and consolidated by sacrifices such as only a people truly united in heart would make for each other; you will, I am sure, join with me in ascribing to it a sacredness that should forever protect it against the parricidal blow. State pride—poor, narrow, vain, and short-sighted State pride!—rejects this broad and glorious view of the nature of the Union; but it is the only one consistent with history, the only one that can stand the test of truth, the only one which makes our double system of governments consistent throughout, the only one which satisfies the patriotic heart, the only one which can secure a happy future to this nation, or give stability to American liberty.

You will not, I am sure, complain of the time I have devoted to the exhibition of the true character of the Union, as the leading topic of this day's discussion. The views I have expressed are, in my judgment, entwined, as nothing else is, with the very heart-strings of our whole system of free institutions. It is therefore vital that the true nature of the Union should be impressed broadly and deeply upon the American mind. Error on many other points may exist, and be widely diffused, without serious injury; but error on this point is fatal. It is poisoning the minds of multitudes in Missouri, as it has already those of millions in the insurgent States. I believe it to be undeniably true, that not one of those States would have put on the livery of treason, had not a large portion of their people first been seduced from their fidelity to the Union, by the heresies that lurk under the glittering guise of STATE RIGHTS. As it is necessary in the prosecution of the argument, that I should assail those heresies, let me say here that I am as firm a defender of the constitutional rights of the States as any other man, and would as resolutely resist, by all constitutional means, any unauthorized infringement of them by the National Government. But I STAND BY THE CONSTITUTION; and in that position it is my duty equally to resist any attempt by any State to disturb the equilibrium of our system, by arrogating to itself powers and privileges not belonging to it. That the insurgent States assert doctrines, and claim rights and attributes, which are without a semblance of warrant, in or out of the Constitution, and are at deadly variance with the principles on which the Union was formed, and on which its existence depends, is as apparent to me as my own being; and I am not without hope of making it apparent to you.

#### STATE SOVEREIGNTY.

Revolting though it be to State pride, I hold that no greater or more destroying error has ever been promulgated in regard to our noble system of government, than the claim of State Sovereignty, as advanced in the States which have ordained secession from the Union; and yet upon that claim is based the unprecedented rebellion that convulses this land this day. Viewed in any light, there is neither consistency, logic, nor truth in it. To believe in it, history must be forgotten, the simplest axioms of government ignored, the acts and testimony of the fathers of the country disregarded, and the plainest language distorted or contemned; all

which, I need not add, has been done in those States, as I will endeavor to prove.

"Sovereignty is the highest power. For a State or nation to be sovereign, it must govern itself, without any dependence upon another power. It must have no superiors. If a State makes a part of another community or State, and is represented with foreign powers by that community or State of which it is a part, it is not sovereign." These are the simplest principles of constitutional and international law, affirmed by the greatest jurists, and recognized and acted upon by all civilized nations. Tested by them, no State in the American Union, except Texas, ever was sovereign, in any but a limited sense, and that, only within its own boundaries and over its own local affairs.

As to foreign nations, what act of sovereignty has any single State in the Union ever performed, from the Declaration of Independence, when the original thirteen announced themselves States, to the present time? Not one: nor could any of them ever have done such an act, without violating its obligations to the Nation of which it was a part. By the National Constitution, to which the people of every State irrevocably bound themselves, every attribute of external sovereignty is denied to the individual States, either in express terms, or by being vested in the United States. No State can make treaties with foreign powers, regulate commerce with other nations, declare war, or be represented by an ambassador, or other diplomatic agent, with any government on earth. For any purpose of sovereignty, one of the United States is no more recognized abroad, than the city of St. Louis is recognized in the State of Oregon as a sovereign city.

Nor is it otherwise as between the States themselves. No State can, without the consent of Congress, enter into any agreement or compact with another State; or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

In every manner, therefore, the States are stripped of external sovereignty, which is, by the Constitution, vested in the Nation, represented by its National Government.

And not only so, but they are, in various respects, in a condition of dependence upon that government; as, for example, for a uniform coinage, for postal facilities, for an army and navy, for security against invasion and domestic violence, for the return of fugitives from service, and even for the guaranty of a republican form of government, if an attempt should be made to deprive them of it.

To speak of States as relatively sovereign, when thus situated as to foreign powers and as to each other, is a solecism seldom surpassed.

As to internal sovereignty, it is undoubtedly true that the States possess it in all matters of a local and domestic nature, *except where prohibited by the Constitution of the United States*; but beyond that they have not a single attribute of it. They may not coin money, lay imposts or duties on imports or exports, keep troops or ships of war in time of peace, emit bills of credit, declare any thing but gold and silver a tender in payment of debts, or pass a bill of attainder, an *ex post facto* law, or a law impairing the obligation of contracts: all of which are matters of domestic concern and cognizance.

Why cannot any State do any of all these enumerated acts of sovereignty, as to other nations, as to other States of the Union, and as to their own people? Simply and only, because the Constitution of the United States, speaking the voice and embodying the power of the Nation—includ-

ing in the Nation every State—forbids it, and in doing so, declares the supremacy of the Nation over the individual States, even to the extent of controlling their government of their own people.

I repeat, therefore, the States are, externally, not sovereign at all, and, are so internally, only as that Constitution does not declare otherwise. It matters not that their internal sovereignty is retained to a greater extent than it is surrendered or trammelled; the question is, Have they surrendered, or has the Nation taken from them, *any part* of that sovereignty? If, in forming the Constitution, it took from them or restricted a single attribute of either branch of sovereignty, especially that purely domestic, it is their superior; if they voluntarily surrendered a single such attribute to it, or consented to a single such restriction, they themselves made it their superior. In either case they are not sovereign.

State pride rebels at the humiliation of the States, alleged to be involved in this doctrine; but there is no such humiliation in fact; for, have not the people of every State, in entering the Union, *assented* to this relative position of the States and the Nation? What is a State but a body of people who are a part of the Nation? And has not the Nation ordained the Constitution, which fixes the *status* of the General and State governments? And have not the people of the States, with every opportunity of self-enlightenment, and without the slightest external pressure, by their most free and voluntary act in entering the Union, acknowledged the SOVEREIGNTY OF THE NATION over every matter which the people, in forming their National Constitution, deemed it necessary, for the good of the whole, to control by the aggregate power of the Nation? Is any other view consistent with the UNION OF THE PEOPLE, which our fathers consummated, and which has remained unbroken till this time? If we are one people, as I have shown we are, shall not that people ordain in their Constitution, what the whole and what each part shall be and do, and what the whole and each part shall not be and not do? If not, what becomes of the fundamental principle of popular government, that the majority shall govern?

The radical and pernicious fallacy of the State Rights doctrine is, in claiming that the people inhabiting a defined portion of the National domain, on emerging from their condition of dependence on the National Government, and entering the Union as a State, instead of remaining, as they were, a part of the Nation, become, through their State organization, segregated from it, and exalted by the act of Congress admitting them as a State, to a position of sovereignty higher than that of the Nation. From this error flows, as a necessary consequence, the equally pernicious fallacy, that the constitutional supremacy of the National Government is something extraneous and antagonistic, imposed upon the States without their consent; when, in truth, it is the power which the people of the States have themselves created, and is therefore just as much their creature as the governments of their States. They established both, and both, in their respective spheres, are complete and predominant. While they remain in their several positions, there can be no collision between them. The only conflicts that have ever arisen between National and State authority, have resulted from claiming unconstitutional powers and rights for the States, not from aggressions upon the States by the General Government. The claim of State sovereignty has provoked them all, as it is at the

bottom of the fearful strife now agitating the country; and permanent peace cannot be expected until that claim, as advanced in the South, is abandoned.

But while this claim of State sovereignty must be acknowledged by all candid men to be inconsistent with and subversive of the National Constitution, and at war with the first principles of the Union, it is boldly asserted that, aback of all constitutions, and above all written forms of government, there is a *reserved* power of State sovereignty, paramount to that of the Nation, in virtue of which any State may at any time cast off its obligations to the Union, and assume a separate and independent attitude. No higher sovereignty than this could be claimed; for it asserts the right of a single State, a part of the Nation—whether it be Florida with her 82,000 white inhabitants, or New York with her 3,800,000—to abrogate, as to itself, “the supreme law of the land,” ordained by the whole nation. One would think that merely to state such a proposition would be to condemn it utterly and forever; but from just that absurdity springs the gigantic treason of this day. In the face of the fact that this is pre-eminently a country of *written* constitutions, wherein the people themselves—not some reigning potentate—grant powers of government, and define the boundaries of authority and right; in spite of the acknowledged fact, that this claim is not affirmed by any word in the National Constitution, or in the Constitution of any State; and in disregard of the plainest common sense, teaching us that a government framed with a reserved right in any part of its people to renounce it at pleasure, would merit and receive the contempt of the world for its incongruity and imbecility; this dogma of a reserved State sovereignty superior to that of the Nation, is flaunted abroad with as much assurance as if its apostles really believed it themselves, and as greedily swallowed by their followers as if it were a new gospel of freedom.

#### JEFFERSON DAVIS' MESSAGE.

True, the State Rights leaders profess to appeal to the Constitution itself in support of their views; but with such a conscious hopelessness of aid from that quarter, that they are driven to actual falsification of its terms, plain as they are, and open as they be to the perusal of every reading man. The latest and most authoritative, and therefore most flagrant, of all the efforts to blind and mislead the people on this subject, is that of JEFFERSON DAVIS, in his message of April 29, 1861, to the Congress of the insurgent States; wherein he attempts a vindication of this State Rights doctrine, ostensibly from the words of the Constitution, but, in fact, with a strange and most daring perversion and suppression of them; to which let us briefly direct attention.

Mr DAVIS, referring to the occasion of convening the Congress, characterizes it as “indeed an extraordinary one,” and adds—“It justifies me in a brief review of the relations heretofore existing between us and the States which now unite in warfare against us, and in a succinct statement of the events which have resulted in this warfare; *to the end that mankind may pass intelligent and impartial judgment on its motives and objects*”

When the leader of a great rebellion thus appeals to the public opinion of mankind, all men have a right to require that he shall, above all things, exhibit a supreme regard for truth in his statements of fact. His deductions from premises truly stated may be honestly erroneous; but when, in regard to facts, he is guilty of either

*suppressio veri or suggestio fa'si*, he forfeits the respect of the people to whom he appeals. That such is MR. DAVIS' position, seems to me beyond dispute.

His message opens with an argument in support of the fundamental heresy, which strips the Constitution of the United States of its character of government, and degrades it into a mere compact between sovereign States, creating an agency to manage certain affairs for them as States, and therefore their mere creature, and they its creators. I will not stop to dwell upon the simple language with which the Constitution, in its first line, refutes this dogma, by declaring itself to have been formed by "the PEOPLE of the United States;" nor to array before you the repeated judicial decisions, including those of the Supreme Court of the United States, and the Court of Appeals of South Carolina, expressly affirming that the United States are organized by their Constitution into a *Government*, and are, in that respect, greatly in advance of the United States under the Confederation; nor to present the almost infinite testimony of our Revolutionary fathers, who framed both systems, that the Constitution superseded the Confederation, because the latter was, in practical effect, no government, and without an effective government the nation could not be held together; but will direct your minds to the particular point in which Mr. DAVIS ventures to defend his favorite theory, at the sacrifice of truth in a matter of fact.

Alluding to the Confederation, he remarks:

"In order to guard against any misconstruction of their compact, the several States made explicit declaration, in a distinct article, that 'each State retained its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation *expressly delegated* to the United States in Congress assembled.'"

Proceeding then to refer to the adoption of the Constitution in lieu of the Confederation, and to "the earnest desire evinced to impress on the Constitution its true character—that of a compact between independent States," he presents the following paragraph:

"The Constitution of 1787 having, however, omitted the clause already recited from the Articles of Confederation, which provided in explicit terms that each State *retained* its sovereignty and independence, some alarm was felt in the States when invited to ratify the Constitution, lest this omission should be construed into an abandonment of their cherished principle, and they refused to be satisfied until amendments were added to the Constitution *placing beyond any pretense of doubt* the reservation by the States of all their sovereign rights and powers not *expressly delegated* to the United States by the Constitution."

Now, my friends, you can judge to what straits MR. DAVIS was driven to sustain himself before the world, when you note the fact that though he quoted, in terms, the "distinct article" of the Confederation to which he referred, he entirely omitted to quote, in terms, the amendment to the Constitution upon which he relied as "*placing beyond any pretense of doubt* the reservation by the States of all their rights and powers, not *expressly delegated* to the United States by the Constitution." When he stood in the world's forum, and appealed to the world as judge, why suppress a material fact in the case? Why hold out to view one clause and hide the other, when he asks mankind to pass an "intelligent and impartial judgment?" Could he not trust them with the *whole* truth? If not, why keep back any? Such is not the act of a man

conscious of rectitude and a righteous cause. No: he knew that the constitutional amendment to which he referred, without quoting it, did not, like the Articles of Confederation, declare "the reservation by the States, of all their sovereign rights and powers, not expressly delegated to the United States by the Constitution;" and it therefore suited not his purpose to set it side by side with the "distinct article" of the Confederation which he had recited. It would have been too apparent to all reflecting men, that the two clauses were widely different in terms and effect; as we can now see by placing them together.

The second Article of the Confederation is in these words:

"Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States, in Congress assembled."

The tenth amendment of the Constitution is in these words:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Now note, that while the former declares that each State retains its sovereignty and independence, the latter does not. The omission to preserve so important a feature, when, according to MR. DAVIS, the constitutional amendment was adopted under a feeling of "alarm" in the States, "lest this omission should be construed into an abandonment of their cherished principle," is a fact of clear and great force. Why did they not reiterate the former declaration? Manifestly because the idea of State sovereignty and independence, except in a very limited internal sense, had been exploded by the acknowledged failure of the Confederation; and the people, convinced that it was inconsistent with the sovereignty of the Nation, repudiated it in the formation of the Constitution. Well might they ask: Why declare a reservation of the sovereignty and independence of the States, when the people of those very States had deliberately disrobed them of almost every badge of sovereignty, and declared their dependence, in most essential points, on the Government of the Nation? The letter of WASHINGTON, before referred to, communicating the Constitution to the Congress of the Confederation, uses language that is conclusive as to the view then entertained by the Convention of the actual surrender of State sovereignty, involved in the adoption of that instrument. "*It is obviously impracticable* (says the letter) *in the Federal Government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals, entering into society, must give up a share of liberty to preserve the rest.*" With the true character and effect of the Constitution thus distinctly announced, the people of every State ratified and established it, and in so doing, proclaimed the will of the Nation, that the States should no longer claim to be sovereign and independent, as they had under the Confederation.

Equally forcible is the omission of the word "expressly" from the constitutional amendment above cited. Under the Confederation, every power, jurisdiction, and right, not *expressly delegated* to the United States, was retained by the States. Unless it could be found written down in plain terms in the Articles of Confederation, that any given power might be exercised by the Federal Government, it could not be exercised. Hence the Confederation was feeble, from its very stringency. The following language ad-

dressed to the public, in 1786, by one of the leading writers of that day, strikingly exhibits the results of the restricted terms of the Confederation.

"By this political compact the United States in Congress have exclusive power for the following purposes, without being able to execute one of them. They may make and conclude treaties; but can only recommend the observance of them. They may appoint ambassadors; but cannot defray even the expenses of their tables. They may borrow money in their own name on the faith of the Union; but cannot pay a dollar. They may coin money; but they cannot purchase an ounce of bullion. They may make war, and determine what number of troops are necessary; but cannot raise a single soldier. *In short, they may declare everything, but do nothing.*"

Why was the Confederation so powerless? Mainly because the Congress could do nothing but what was *expressly* authorized. Legitimate inference of a power not named, from those expressly given, was not allowed. To every attempt to deduce by necessity an inferred power, the answer was—"Is it so nominated in the bond?" Hence, when, with more enlightened views, the people essayed to create a real and efficient government instead of a rickety and powerless league, their Constitution, after enumerating certain defined powers of Congress, added, that that body should have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof."

Having thus relieved the government from the trammels imposed on the Confederation by the use of the word "*expressly*," it is plain why, in adopting the tenth amendment, they omitted that word.

What, then, becomes of Mr. DAVIS' statement, that the States "refused to be satisfied until amendments were added to the Constitution, placing beyond any pretense of doubt the reservation by the States of all their sovereign rights and powers, not *expressly* delegated to the United States by the Constitution?" It takes its place in the long catalogue of falsifications and frauds, by which he and his coadjutors have excited, and expect to keep alive, the rebellion they are leading. The people whom he thus deceives and betrays may never see the falsehood; but the cause which rests upon such a foundation carries its own death within it, and will bring its supporters to sorrow, dismay, and ruin.

But had the second Article of the Confederation been incorporated in terms into the Constitution, would it support the right claimed by the South to secede from the Union at pleasure? Can it be for a moment supposed possible, that the people, in forming a government, reserved to each of the States a right to throw off that government at its will? When the people of the United States declared in the Constitution, that it was ordained and established "to secure the blessings of liberty to ourselves and our POSTERITY," did they mean that a part of the people should have a constitutional right, the next year, or in ten, twenty, fifty, or any number of years thereafter, to scatter those blessings to the winds, by overthrowing the Constitution which secured them, and destroying the Union which the Constitution was designed to perpetuate? Were our fathers fools, that they engaged in such child's play as that? No: when they strove with as elevated a magnanimity as history exhibits, to secure those blessings to their posterity, they believed that an endless suc-

sion of generations would gather the precious fruits of their patriotic labors, and hoped that the sun of the Constitution would set, only when that of the world should be extinguished in the gloom of an endless night.

But if the States are sovereign, in the sense claimed in the insurgent States, when did they become so? Recurring to the principle previously enunciated, that no State is sovereign that has superiors, I affirm it to be historically true that no State in this country, except Texas, ever has been sovereign, save in a limited sense over its domestic affairs; and to this point I will direct your minds in a series of brief propositions, which are conclusive.

1. When the people of the Colonies appointed the delegates who assembled as a Congress on the 5th of September, 1774, the Colonies were mere dependencies of the British crown, and therefore were not sovereign.

2. That Congress was, *de jure* and *de facto*, a government over all the Colonies, from the date of its assembling until the Colonies, on the 4th of July, 1776, assumed the attitude of States, and thenceforward it was a government over the States; and Colonies and States were alike subject to its authority, and therefore not sovereign. This continued until the 1st of March, 1781, when the Articles of Confederation were finally ratified by all the States.

3. From the 1st of March, 1781, to the 4th of March, 1789, when the first Congress under the Constitution assembled, the States were subject to the government of the Confederation, so far as its weak capacities justified the name of a government. At any rate the Confederate Congress exercised all the powers of general sovereignty which were exercised at all, and the States, as such, were merged, as to all the rest of the world, in the United States. The Confederation, too, as afterwards the Constitution, explicitly restricted the domestic sovereignty of the States. The sovereignty which the States declared in the Articles of Confederation that they retained, was, therefore, at most, only a limited one over their internal affairs, and did not affect their relations to the Union, or to the world.

5. From the 4th of March, 1789, to the present day the government under the Constitution has been in existence; under which I have shown that the States have only such powers of sovereignty, as, in the words of the Constitution, are not "*prohibited by it to the States.*"

Here, then, from the 5th of September, 1774, to the present hour, has been a clear and steady assertion of the sovereign power of the NATION, paramount to the powers of Colonies and States. During all that period of time, Colonies and States have all acknowledged the highest and most important attributes of sovereignty to reside in the government established by the Nation, and therefore yielded to the Nation superiority over the individual States.

The only apparent exception to this, among the original thirteen States, is in the case of North Carolina, by which the Constitution was not adopted until more than eight months after the government under the Constitution went into operation; and of Rhode Island, by which its adoption was postponed more than fourteen months after that event. Still, those States, during the time they deliberated as to their consent to the new form of government, remained essentially a part of the Nation, performing no sovereign function, except over their internal affairs, and, by the act of deliberation, expressing their continued adhesion to the Union. They, therefore, constitute no real exception.

The proposition that no State, except Texas,

ever was sovereign, is most emphatically true of twenty out of the twenty-one new States, which have been added to the original thirteen. Every one of them was composed of people previously subject to the National Government;—people who were unable to take position as States without the consent of that Government; who were admitted into the Union, only in virtue of an act of Congress; and who, when admitted as States, voluntarily took the subordinate position assigned them by the National Constitution, and which the original States had previously, of their own volition, taken.

But so far as this doctrine of State Sovereignty is used to sustain the right of secession, it is to my mind apparent that its supporters in the South do not themselves believe in it. If there is a reserved right of secession, paramount to the Constitution, it must have existed when the Union was formed; for it has not been acquired or granted since. If it did exist then, the Union was entered into with a tacit understanding that there was such a right. If entered into with such an understanding, then a State seceding would be guilty of no legal wrong toward the other States; it would do only what it had a right to do. So doing, it would have no reason to regard itself as an enemy to the remaining States, or the National Government as an enemy to it; and would have just cause of complaint against either, for taking a hostile attitude to it for seceding. But what do we find in the seceded States? Instantly upon passing their ordinances of secession, and in some instances in advance of it, they, by their acts, proclaim themselves the enemies of the United States, in every way which could signalize them as such. They proceed to organize a Confederate Government, to raise armies, to provide for their support, to create a navy, and to seize the armories, forts, navy yards, docks, custom houses, mints, money, and all other property of the United States within their reach; they overpower and capture the United States troops, wherever they find them in detached bodies too small for resistance, and hold them as prisoners of war; they fire upon a vessel under the National flag, and in the government service; they beleaguer, and finally bombard and reduce, a National fort, held by a brave half-starved garrison, one-hundredth part as strong as the assaulting host: and all for what reason? They were not assailed by the Government on account of their secession. No troops were marched against them, no navy closed their ports, no mails were stopped within their borders; they were, for months after their secession, as they asked to be, "*let alone*";—let alone to commit every form of aggression upon the Nation, without retaliation or resistance: why did they take the attitude of enemies? If, in seceding, they exercised only a reserved right, they did a lawful act, and had no occasion to wage war upon the Government they had renounced; nor had the Government occasion, for the act of secession, to attack them. Why, then, did they wage the war? Without the least doubt, because they knew that their claim or a reserved right in a State to dissolve its connection with the Union at its will, was a flimsy and false pretense, which they themselves had not the slightest faith in; and because, veiled it however they might from their people, under the guise of State sovereignty, the leaders knew that secession was REBELLION, and that, sooner or later, rebellion must be met by force. In their own consciousness, therefore, as exhibited in their acts, the pretext of a constitutional right of secession is a fallacy and a falsehood. As such the on-looking world regards it, and the intelligence of mankind scorns and condemns it.

#### NATIONAL AND STATE ALLEGIANCE.

Having shown that the Nation, as the aggregate of the united people—not the States as bodies of people leagued together—is the source of National sovereignty, and that the organ of that sovereignty is the government established by the Nation, through a Constitution which declares itself, and the laws of the United States which shall be made in pursuance thereof, to be the supreme law of the land; it is proper that we should devote a portion of our time to the consideration of that great, but almost forgotten, principle, which pervades all the relations between government and citizen, and is condensed in the single, but most comprehensive, word—ALLEGIANCE.

Every individual of every nation, barbarian or civilized, is bound by allegiance to the supreme authority which presides over that nation, whether it be King, Emperor, Grand Duke, Sultan, Tycoon, Chief, or Constitutional Republican Government. Society without allegiance is anarchy; government without allegiance is a mockery; people without allegiance are a mob. It is the principle which gives all force to law, for it is the principle of obedience to law. It is impossible to conceive of a supreme government which does not claim the allegiance of its subjects, or of a people acknowledging a supreme government to which they do no yield allegiance. It is not obedience only, but something above and beyond that; and has been rightly denominated to be the tie, or *ligamen*, which binds the citizen to his government. *The breach of this tie is TREASON*—the highest crime known to the laws of man, and which falls under the special condemnation of the word of God, but which, in this day, Americans, and, I grieve to say, those who claim to be Christians, rush into, as if it were a merit and a glory to destroy the best government that ever wielded the destinies of a people.

The events of this year of wrath have disclosed astounding facts in regard to the allegiance of the American people to their National Government. Over an entire section of the Union they seem, almost in a mass, to have crushed out of their hearts all sense of allegiance; while with a minority there, it has been so weakened that they are open to treasonable impressions and influences, which unsettle their loyalty and vitiate their patriotism; and in that whole region only a fragment remain, to resist openly the torrent of disallegiance, and hold fast to the Constitution and the Union.

This amazing and inconceivable change in the feelings of so large a portion of the Nation, toward a government which, during its whole existence, has been controlled almost entirely by that very people, and which has never oppressed or injured them in any of their interests, but has always, and especially for the last thirty years, shaped its policy in conformity with their demands, is, to him who looks only at the surface of things, the great enigma of history; and to such it must ever remain an enigma. He, however, who looks below the surface, has no difficulty in seeing that the doctrine of primary State allegiance, which was promulgated by South Carolina, in 1832, and, though exploded by her own Court of Appeals, in 1834, has since been diligently inculcated through the entire South, and was put forth by the Governor of this State, in his recent treasonable proclamation of war against the United States, lies at the bottom, like a subterranean fire, burning out the popular heart, and with earthquake throes upheaving the foundations of our National institutions. It is

no more true that States exist, than that, but for this shallow heresy, they would not now have been arrayed against the National Government. It appeals to home attachments, to State pride, to self-interest, to local jealousy, to sectional animosity, to every passion and feeling hostile to a broad and patriotic nationality; and, like a mighty lens, focalizes the whole upon a single petty point, burning to ashes the tie of paramount allegiance to the Government of the Nation, loosing the warring elements, and bringing in chaos again. With him who takes this doctrine to his soul, true, generous, self-sacrificing love of country is as impossible as for one born blind to describe a rainbow; his State is his country, and his American citizenship is a bauble compared with his citizenship there. Point him to the flag of his country, and he sees only the one star which typifies his State; every other is, to that, rayless and cold. Talk to him of the Nation, and he replies, "*South Carolina!*" Speak of national prosperity and happiness, and he responds, "*the Old Dominion!*" Refer to the honor of the Nation, and he shouts "*Mississippi!*" "*Arkansas!*" "*Texas!*" Lead his mind where you will, and like a cat he always returns to the particular spot he inhabits, and which he calls his State! Ever regarding that, he raises not his head to behold the glorious COUNTRY, which claims his first devotion as an American, his highest love as a freeman.

To hold that allegiance is due from a citizen to one of the United States, otherwise than as the term imports mere obedience to its rightful authority while he resides there, is a gross and incomprehensible perversion of the nature and obligation of citizenship. Allegiance, in its proper sense, can be exacted only by the supreme power, which, in this land, is the government created by the Constitution of the United States. To that government every American citizen is bound, wherever he may be, on land or at sea, at home or abroad, in the States, or in the Territories beyond the jurisdiction of any State. But the moment an individual leaves the soil of a State, with the intention of residing permanently elsewhere, his citizenship there is lost. There is no limit, except his own volition, to his changes of State citizenship. But wherever he goes, he is still a citizen of the United States, and a thousand changes of domicil cannot make him otherwise: through them all he owes unbroken and unqualified allegiance to the United States.

This allegiance may not be put on and off, to suit the convenience or whims of the individual, as he may assume or cast off State citizenship. Once due it is always due, unless the National Government consent to its renunciation. The native-born citizen owes it, from the cradle to the grave; the naturalized foreigner, from the moment he acquires citizenship till his death. No such obligation exists toward a State. A State's power over any citizen begins only with his entrance upon her territory, and ends with his departure from it. Will it be said that he who was once a citizen of Florida, but removed thence to Missouri, where he has since resided, may now be called back by Florida to fight her battles, because of his former citizenship there? No sane man will hold such a doctrine; and yet if Florida may not do that, there is no allegiance to a State, except in the sense of obedience to its laws and authorities while in it. But the United States have an undoubted and indestructible right to call forth their citizens from every spot of their domain, to defend and uphold in battle the honor and power of the nation; for no citizen can find a place where the tie of allegiance

does not bind him to the Constitution and flag of his country.

The citizen owes allegiance in return for protection by his government, and that protection is his lawful right, wherever in the world he may be. It was the certainty and swiftness of Rome's vindication of the rights of her citizens, that gave such power everywhere to the simple words "*I am a Roman citizen;*" and this hour, among all civilized nations, to be known as an *American citizen*, is a passport and a protection. Why? Because the United States are known throughout the world, as able and ready to protect their citizens. But on another continent than this, what would it avail to be known as a citizen of any State of the Union? Who, in a foreign land, would, in extremity, proclaim himself a citizen of one of the States, when his State has no power to protect him or to avenge his wrongs, except through the Government of the Union? And yet men prate of a first allegiance due to their State!

But to what power does the man of foreign birth assume allegiance when he becomes a citizen? and what is the character of his citizenship? Does he by his naturalization become a citizen of any particular State? No; he attains the dignity of American citizenship. Does he swear allegiance to any State? No; he swears to support the Constitution of the United States. He is not by that step identified with a part, but with the whole, of the Nation, and binds himself to the government which represents the Nation. And yet that man is told that he owes primary and paramount allegiance to the State he lives in, the Constitution of which he never promised to support, and the obligation of which upon him ceases the moment he steps outside her border! There is in all this an absurdity so glaring, a perversion of the true principles of constitutional law so flagrant, a delusion so pitiful and yet so monstrous, that it is a world's wonder that men of sense could anywhere be found to inculcate or even countenance a doctrine, that any school boy might refute, and which a jurist or a statesman would regard as worthy only of ridicule and contempt.

#### ALLEGIANCE TO KING COTTON.

But, my friends, the truth is, that this dogma of State allegiance is but a cloak for another kind of allegiance, which has usurped the place of that due to the Constitutional Government of the Union. The people of the insurgent States have, in great part, renounced allegiance to that government, and transferred it to their cotton bales and the system of labor that produces them. With them COTTON is KING, and they bow down to their king with a reverence denied to their country! A dream of the dominion of cotton over three mighty nations—the American, the French and the British—has filled their imaginations, until it assumed to them the form of a reality. But for this delusion, never was there a more loyal people than they; with it, never was there a people more miserable than they are destined to be, persisting in their unnatural rebellion. No instance can be found, of great nations being permanently held tributary to any one spot of this earth, for a production of the soil indispensable to their comfort and civilization, when only labor was needed to produce it in unlimited quantities in other lands; and unmindful of this, they plunge into rebellion to clutch the sceptre of commercial power, and, as they clutch, it eludes their grasp, and passes away forever! The dominion they might have wielded, as a part of the United States, for many years to come, was broken in the hour

they attempted to separate themselves from their country. They have disturbed the commercial equilibrium of great nations; and to avoid a recurrence of such disturbance hereafter, those nations are already searching the earth for new regions where cotton may be grown, and for the labor to cultivate it. *Both will be found*; and when found, the overthrow of the kingdom of cotton in this republic is but a question of time; and with that overthrow, if not before, reason will resume its sway, patriotism its power, and allegiance to the Constitution its supremacy.

#### RIGHT OF REVOLUTION.

If it be asked, may not a people throw off their allegiance, and make for themselves a new government? the answer is, of course, they may. The right of revolution is inherent in every people; but it is *ultima ratio*--the last resort, and is not a remedy which any people may, without awful crime, needlessly appeal to. But so perverted are the judgments of many in the present crisis, and so deeply have their minds, insensibly to themselves, become imbued with destructive error, that thousands wildly claim the right of any portion of a nation to throw off and overturn their government at their mere pleasure, for any cause or no cause, regardless of consequences, and in defiance of every principle which justifies or upholds any form of human authority. It were needless to say that such a doctrine tears up by the roots all social order, and prostrates like a whirlwind every institution of government. To see its legitimate and inevitable fruits, you have only to look at Mexico, where forty years of revolutions have wrought desolations, which another forty years of peace and order might not repair. If the American people are not to take a place alongside of that poor victim of periodical revolt, let them understand the principles upon which alone any people may make themselves the executioners of their own government. If it be not in vain to hold up the words and example of our Revolutionary fathers, let us learn from them when to take the sword; lest, taking it rashly and without cause, we perish by the sword.

Read their Declaration of Independence, and ponder these words:

"Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under ABSOLUTE DESPOTISM, it is their right, it is their duty, to throw off such Government, and to provide new guards for their future security. Such has been the patient sufferance of these Colonies, and such is now the necessity which constrains them to alter their former systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having, in direct object, THE ESTABLISHMENT OF AN ABSOLUTE TYRANNY OVER THESE STATES. To prove this let facts be submitted to a candid world."

Now, my friends, upon the principles of that Declaration, and in such an exigency as it portrays, I would be a revolutionist: he who would resort to revolution on any other principles is an anarchist, a social Ishmaelite, whose hand is against every man; and every man's hand ought to be against him. And yet, one of the latent elements of mischief at the present time in this State, is the wide-spread assumption among in-

telligent men, of this right of forcible revolution, whenever the impulse, well or ill-directed, may seize any portion of the people.

Against a doctrine so destructive of every form of sound and stable government, I appeal to the wisdom, the conscience, and the hopes of the people. I protest against it, as the unpardonable sin against human liberty, throwing wide open the flood-gates of beastly license, and sweeping away in indiscriminate destruction all that we have ever loved or valued, and all that could make us, or our children after us, good or great, or even decent in the eyes of mankind.

As, in a republic, the source of power is the People, the very first principle of every such government is, that PUBLIC OPINION, not revolutionary violence, shall be invoked to rectify errors and redress grievances. Our whole system rests upon the popular will, and if that be perverted, the remedy is in restoring it to rectitude, *not in destroying the system*. There is no evil connected with the existence of the Union, (if, indeed, there are any,) for which the National Constitution, laws, and tribunals do not afford adequate, certain, and efficient, if not speedy remedy. Every State became a part of the Union under a solemn pledge—not, to be sure, written down, but none the less binding because implied—to look to that Constitution and those laws and tribunals for the redress of every wrong and the support of every right. Conflicts of interest and opinion were inevitable; but every part of the Nation agreed that the will of the majority, constitutionally expressed, should govern; for an appeal to the people was ever open, and the majority of to-day might—as it has done a thousand times—dwindle into a minority to-morrow. The assertion, therefore, of a right of armed revolution against the decision of the majority, is a violation so fearful of the vital principle of a republic, and a blow so deadly at the peace of the nation, the integrity of the Constitution, and the perpetuity of popular government, as almost to crush the heart of the patriot under an infinite weight of dismay and despair.

When, therefore, within fifteen days after the vote of the Electoral Colleges was cast for Mr. LINCOLN, and two months and a half before he could be inaugurated, and while he was yet as powerless as a child for harm, even though he had been as full of evil intent as Satan himself, the State of South Carolina raised the war-cry of rebellion, and announced her rejection of the authority of the Constitution and her separation from the Union, an offense was registered in Heaven's chancery, before which all preceding outbreaks of popular wickedness fall into immeasurable insignificance. And when, from time to time, ten other States followed her lead, and raised the standard of revolt against a government so mild, so paternal, so beneficent, that their people hardly knew there was such a government, except by its blessings, the world could only gaze in blank amazement at a sacrilege, which threatened to extinguish the great beacon light of human freedom forever, and to consign America to boundless and hopeless ruin.

And the world asks—What justification is pleaded for this incredible outrage against the Nation, and, indeed, against the human race? And the world will have the question answered. It is in vain to reply that it is not worth while to inquire who is in the wrong—it is worth while. When a son kills his father, all men inquire the cause; and they inquire on until they know it; for every individual is concerned to understand the motive for such a deed. And so, when a stupendous rebellion arrays itself against a government which the world knows to be the least ex-

acting and the least burdensome of all the governments existing on the earth, mankind demands, WHY? and mankind will be answered. Let us do our part toward giving the reply.

#### THE SOUTH CAROLINA DECLARATION OF CAUSES FOR SECESSION, REVIEWED.

When the South Carolina Convention passed their Ordinance of Secession, they put forth "A DECLARATION OF CAUSES WHICH INDUCED THE SECESSION;"—the only instance of the kind, within my knowledge, in the eleven seceded States. And as the other States followed the lead of South Carolina, it is fair to assume that the "causes" which impelled her impelled them, and that they are willing to be judged by the sufficiency of her "Declaration." Let us, then, examine it.

After a feeble and futile defense of the right of secession, they present the "*Personal Liberty laws*" of some of the Northern States as a justification; concerning which they say:

"We assert that fourteen of the States have deliberately refused for years past to fulfill their constitutional obligations, and we refer to their own statutes for the proof. \* \* \* The States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin, and Iowa, have enacted laws which either nullify the acts of Congress, or render useless any attempt to execute them. In many of these States the fugitive is discharged from the service or labor claimed, and in none of them has the State Government complied with the stipulation made in the Constitution. The State of New Jersey at an early day, passed a law in conformity with her constitutional obligations; but the current of anti-slavery feeling has led her more recently to enact laws which render ineffectual the remedies provided by her own laws and by the laws of Congress."

Now, were this statement true in every particular, relating, as it does, only to the action of particular States, it would not constitute the shadow of a justification for rebellion against the *General Government*.

In 1842 the Supreme Court of the United States decided that the power of legislation in relation to the recapture of fugitive slaves, is, by the Constitution, vested exclusively in Congress. In 1850, Congress enacted a Fugitive Slave Act, prepared by Southern Senators and Representatives, so stringent in its provisions that Mr. RHETT, of South Carolina, one of the arch instigators of treason there, expressed doubts of its constitutionality; and that Act is still in force. So far, then, as there is constitutional requirement to provide by legislation for such recapture, it was fulfilled to the letter, by the only body having authority to act in the premises, and in the very terms prescribed by the South itself. When, therefore, they allege that "in none of them [the States named] has the State Government complied with the stipulation made in the Constitution," they attribute to the States an authority and obligation which the Supreme Court has declared does not exist, and they proclaim a separation from those States, because they have not done what that tribunal holds they have no constitutional right to do.

But that statement is false in a material allegation of fact—even more so than the message of JEFFERSON DAVIS, to which I have previously referred. Of all the fourteen States named, as having "enacted laws which either nullify the acts of Congress, or render useless any attempt to execute them," it is absolutely true that only FOUR—*Vermont, Massachusetts,*

*Michigan, and Wisconsin*—had any such laws on their statute books! But had such been enacted by every non-slaveholding State, they were unconstitutional and void, and the Constitution provides ample means to have them declared so; and the laws of the United States give full redress against all persons who should undertake to act under them. To that Constitution and to those laws the South was bound by the most sacred obligations to appeal, and not to the sword.

The next justification advanced is in the following words:

"We affirm that these ends for which this Government was instituted, have been defeated, and the Government itself has been destructive of them by the action of the non-slaveholding States. Those States [mark the words!] those STATES, have assumed the right of deciding upon the propriety of our domestic institutions; and have denied the rights of property established in fifteen of the States, and recognized by the Constitution: they have denounced, as sinful the institution of slavery, they have permitted the open establishment among them of societies, whose avowed object is to disturb the peace and ~~quiet~~ the property of the citizens of other States. They have encouraged and assisted thousands of our slaves to leave their homes; and those who remain have been incited by emissaries, books and pictures to servile insurrection."

To say nothing of the puerile absurdity of declaring that the *General Government* "has been destructive" of the ends referred to, "by the action of the non-slaveholding States," let us look at the charges preferred here against those States. Without the least hesitation, it must be declared that the whole list is without foundation. That fanatical individuals in the Northern States have done the acts complained of, is certainly true; but that any of those States has lent itself to such ignoble work, is no more true, than that South Carolina was faithless to the cause of liberty in the Revolution, because within her borders more Tories were found—and long held their ground too—than in almost all the other States together. And it is impossible that the South Carolina Convention did not know their charge was unfounded, unless they were wretchedly ignorant. Let an impartial world judge what respect is due to the "Declaration" of an assembly, which thus slanderously imputes to an entire body of States the sins of individuals, and for the crimes of a proportionately meagre troop of fanatics, arraigns twenty millions of people at the bar of mankind.

The third and last justification presented is in the following paragraphs:

"For twenty-five years this agitation has been steadily increasing, until it has now secured to its aid the common Government. Observing the forms of the Constitution, a sectional party has found within that article establishing the Executive Department, the means of subverting the Constitution itself. A geographical line has been drawn across the Union, and all the States north of that line have united in the election of a man to the high office of President of the United States, whose opinions and purposes are hostile to Slavery. He is to be intrusted with the administration of the common Government, because he has declared that that 'Government cannot endure permanently half slave and half free,' and that the public mind must rest in the belief that Slavery is in the course of ultimate extinction.

"On the 4th of March next this party will take possession of the Government. It has announced that the South shall be excluded from the common territory, that the judicial tribunal shall be

made sectional, and that a war must be waged against slavery until it shall cease throughout the United States.

"The guaranties of the Constitution will then no longer exist; the equal rights of the States will then be lost. The Slaveholding States will no longer have the power of self-government, or self-protection, and the Federal Government will have become their enemy."

This is the great indictment found by the South against the North, and proclaimed as the all-sufficient vindication of the rebellion. While it is true in the main fact alleged—the election of a sectional President—it is untrue in other points. I am no defender of the Republican party, its Anti-Slavery doctrines, or its candidates. From the day of the commencement of the Anti Slavery agitation, thirty years ago, till the present time, I have opposed it without variation. But I detest falsehood, by whomsoever employed, for whatever purpose; and when it is used to justify the destruction of the Government of this Nation, it demands of me, and of every true man, unbounded execration. Let us examine this indictment, and fairly and honorably decide how far it is, in point of fact, true.

Leaving the main fact—the election of a sectional President—to be considered last, we will notice in the first place the allegations made against the party that elected him. Concerning this party it is averred, that "*it has announced that the South shall be excluded from the common territory.*" Taking the Platform of the Chicago Convention as the criterion of the principles of the Republican party,—and we have a right to judge it by that, as it has a right to object to being judged by anything else,—this charge is true; for in the eighth resolution of that Platform they "*deny the authority of Congress, of a Territorial Legislature, or of any individuals, to give legal existence to slavery in any Territory of the United States.*" This, in effect, excludes the South from the Territories, and so sustains this charge.

But when they go further, and charge the Republican party with announcing "*that the Judicial tribunal shall be made sectional,*" regard for truth requires me to say that no such announcement is to be found in the Platform of that party. True, individuals did give expression to such an idea; but no party is ever held responsible for all that individuals utter, nor can any party venture to become the endorser of all the sentiments of its individual members. As we would be judged, let us judge others.

A more extraordinary charge is, that the Republican party announce "*that a war must be waged against Slavery until it shall cease throughout the United States.*" The allegation is not, that fanatical Abolitionists in the party proclaim this war, but that *the party* do so. But when I seek for the naked truth, not to uphold or apologize for that party, but simply to test the justification advanced for treason, I discover no act or word which sustains the charge; but, on the contrary, I find in the Chicago Platform a resolution of directly opposite character, in these words:

"That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of powers on which the perfection and endurance of our political fabric depends; and we denounce all lawless invasion by armed force of the soil of any State or Territory, no matter under what pretext, as among the gravest of crimes."

Justice and frankness demand that the Repub-

lican party shall have all the benefit of this explicit declaration. The cause of truth and right gains nothing by resorting to unfairness in dealing with an adversary. And when a party, after attaining power, *acts out* the principles it previously professed, its claim to be regarded as sincere in professing them must be considered as established. The above declaration was made in May, 1860. During the ensuing session of Congress, the Republicans, by the withdrawal of the Senators and Representatives of seven seceded States, were in a majority in both Houses; and they brought forward, and passed in both Houses, by a two-thirds vote, the following amendment to the Constitution:

**"NO AMENDMENT SHALL BE MADE TO THE CONSTITUTION WHICH WILL AUTHORIZE OR GIVE TO CONGRESS THE POWER TO ABOLISH OR INTERFERE, WITHIN ANY STATE, WITH THE DOMESTIC INSTITUTIONS THEREOF, INCLUDING THAT OF PERSONS HELD TO LABOR OR SERVICE BY THE LAWS OF SAID STATE."**

No just man can read this amendment, and know that it was adopted by a Congress in which there was a majority of Republicans, and not see in it a fair vindication of the sincerity of the party in adopting the above quoted resolution in regard to slavery in the States. As for myself, I am bound in candor to say—I cannot honorably refuse to say—that to my mind the evidence on that point is conclusive. The Republican party not only did not announce "that a war must be waged against slavery until it shall cease throughout the United States," but they expressly declared against any interference by Congress with slavery in the States; and, to guard against such interference in the future, this amendment of the Constitution is offered to the country, which, if adopted, would, without doubt, endure as long as the Constitution itself.

But the great count in the indictment is the election of a President by the votes of one section of the Union; and this is true. *But how came he to be elected?* This question instantly forces itself upon the mind. For thirty years the Anti-Slavery agitation had been in progress, without getting control of the Government; and only four years before, the Republican party had been defeated in a tremendous struggle: how did it secure a triumph in 1860? It is as certain to be recorded in history, as that the history of that year shall ever be written, that the action of the South itself was one of the immediate and prominent causes—if not the great cause—of that triumph. No fact is more undeniable, than that the Democratic party was the only one to which the country could look for numerical strength to avert that result, except that other fact, known to you all, that *the Cotton States broke up that party, and thereby rendered the defeat of Mr. LINCOLN impossible.* At the very moment when the Anti Slavery agitation seemed to be approaching victory, and when it was the stern duty of every man in the opposing ranks to forget all minor differences, and stand like a rock against its further progress, those States deliberately abandoned their former position, proclaimed principles which they had previously denied with emphasis, seceded from the party, and themselves opened the way for the result upon which they intended to base their subsequent secession from the Union. Secession was the great object they had aimed at for nearly a third of a century. The evidence of a deep laid and long-cherished conspiracy among them to destroy the Union, is abundant and conclusive. The "proper moment" to "precipitate the Cotton States into a revolution," of which Mr. YANCEY wrote, in 1858—the proper moment to pull a

temple down that has been built three-quarters of a century, and clear the rubbish away and reconstruct another," as was proclaimed by a member of the South Carolina Convention—the proper moment to let slip the dogs of war among children of the same fathers and people of the same nation—the proper moment, in a word, to consummate the treason which had been festering and growing for thirty years—was seen to have arrived; and the plotters were not slow to seize it. They had already proclaimed that the election of a President by the Republican party would be a sufficient cause for the dissolution of the Union, and they set themselves to the work of making that election certain, by their own disruption of the only party that had the numbers to prevent it. And they succeeded, to a miracle. Never was game of duplicity and treachery better played. They betrayed their previously professed principles, their party, and their country, all at once; and at the moment of consummating the crowning act of their sacrilege, they turn to the world, with an air of injured innocence, and appeal to mankind to justify a rebellion based on the success of their own most devilish machinations! Has history a parallel to this?

But were it otherwise—had they done all that men could do, to prevent the election of a sectional President, and such had, nevertheless, been elected, on the principles alleged by South Carolina in her Declaration, or even on worse—it was still an ascertained and indisputable fact, before her secession, that in both Houses of the present Congress there would be a majority against him, if all the States should stand firm, and retain their representation there. In that case Mr. LINCOLN would have been this day, and certain for two years to come, the possessor of a barren power, except as to official patronage, and utterly impotent to impress a single principle of his party on the Government, or to touch in a single point the institution of slavery. But what was this to the schemers of treason? Their work was to destroy the Union, not to defend slavery. If they stopped to do the latter, the former would be left undone; if they used their constitutional power to protect slavery, or to obtain guarantees, the Constitution would be preserved: so they trampled upon the Constitution, abjured their allegiance, snapped the bond of brotherhood, and seized the sword to redress a grievance, which they themselves designedly aided to produce! I need not ask if history has a parallel to this. It stands out, in hideous deformity, the monster iniquity of all the ages, whose dark, deep stain ages cannot wash away.

Were anything wanting to give completeness to the ignominy of this act, it is at hand, furnished by the leaders in it, at the moment of its perpetration. While they were putting forth to the world their "Declaration," they were engaged, in their debates, in denying its most solemn allegations. They appealed to mankind to justify their treason, because a President had been elected by a sectional vote; and at the same time declared, among themselves, that they had for a quarter of a century been plotting to accomplish the work of disruption then attained, and that that result had not been produced by that election! Listen to some of the many expressions made in the South Carolina Convention by its master spirits.

Mr. PARKER. "It appears to me, with great deference to the opinions that have been expressed, that the public mind is fully made up to the great occasion that now awaits us. *It is no spasmodic effort that has come suddenly upon us, but it has been gradually culminating*

*for a long series of years, until at last it has come to that point when we may say the matter is entirely right.*"

Mr. INGLIS. "If there is any gentleman present who wishes to debate this matter, of course this body will hear him; but as to delay for the purpose of discussion, I, for one, am opposed to it. As my friend (Mr. Parker) has said, *most of us have had this matter under consideration for the last twenty years, and I presume we have by this time arrived at a decision on the subject.*"

Mr. KEITT. "We are performing a great act, which involves not only the stirring present, but embraces the whole great future of ages to come. *I have been engaged in this movement ever since I entered political life.* I am content with what has been done to-day, and content with what will take place to-morrow. We have carried the body of this Union to its last resting place, and now we will drop the flag over 'tis grave."

Mr. RHEITT. "*The secession of South Carolina is not an event of a day. It is not anything produced by Mr. Lincoln's election, or by the non-execution of the fugitive slave law. It has been a matter which has been gathering head for thirty years;* and in the production of this great result the great men who have passed before us, whose great and patriotic efforts have signalized the times in which they lived, have not been lost. Have the labors of Calhoun been forgotten, when he declared a few years ago for the secession of South Carolina? and that secession would-be the consummation of their liberties?"

The review I have taken of the causes assigned for secession, reduces them to three only, which have foundation in fact—the election of a President by a sectional vote, the Personal Liberty laws of four States, and the exclusion of the South from the common territory. As to the first, nothing more need be said: it was produced by the act of the South itself; let not the South complain. As to the second, it is too insignificant as a justification of rebellion, to deserve a moment's notice. Concerning the last, it is as clear to me as the sunlight around us, that it is a shallow subterfuge, and that the South, in reality, cared nothing about the Territories. If the right to take their slaves there was of such value, as, when interfered with, to justify them to their own consciences in revolutionary violence, can they tell—can any man tell—why they should take a step which would inevitably exclude Slavery from the Territories forever? Did they believe that an institution could be planted there by war, which they could not carry there in time of peace? Did they hope that, with sword in hand, they could wrest from the government a vast domain, from which the people of the North should be shut out, except upon such terms as the South might, as an independent power, prescribe? Did they suppose that fear would grant what justice and equity refused? Did they imagine that after seceding from the Union, and thereby renouncing all rights flowing from the Union, they could obtain more easy access to the Territories? No: they knew that secession from the Union was secession from the common property of the Union, as well as from its Constitution. It is, therefore, manifest, that they did not secede because the Territories were closed, or were threatened to be closed, against them; for, by seceding, they barred and bolted the gates of the Territories against themselves forever.

## THE DUTY OF MISSOURI.

My friends, time does not permit my following any further this doubling trail of perfidy and treason. I have endeavored honestly to expose it to your view, for it is the trail Missouri has been urged by her now fugitive Governor to follow, and Missourians, when they take it up, should understand well what they are after, and where they are to be led. Let him who is willing to make Missouri the unwelcome appendage of a Confederacy founded on the principles and erected by the means I have exhibited to you, take her into that position when he can. I rejoice to believe that there yet remains in our State enough of virtue, honor and patriotism to make the time far distant when it can be done. I will not discuss the question whether Missouri—to use a common expression—ought to “go North” or “go South.” Missouri has no *going* to do. Her duty is to stand loyal to the Union and the Constitution. The National Government has put no wrong on her, and she has no occasion to wrong herself by an attempt to change her relations to it. But if, in an evil hour, she should be betrayed into the contagious revolt, which has drawn into its vortex other States that had no part in the original treason of the Cotton States, let the participants in any such movement understand that the Government which never before made its arm really felt, will be felt then, and that to their discomfiture.

## CONCLUDING REMARKS.

A few words more, and I have done. We are in the midst of an unnatural and consuming civil war. Some four hundred thousand men are under arms, and we know not at what moment the land may tremble under the shock of contending hosts. It is a sight to make the world weep. The cause of humanity, the claims of freedom, the spirit of Christianity, all demand that this terrible conflict should be stayed. But, from the depths of a troubled spirit, I ask, *how can it be?* A part of the nation rebels—declares its revolt irreconcilable—announces that it asks no compromise or reconstruction, will consider none, even though permitted to name its own terms—defies the power of the Nation—wages war upon the National Government, and cries out, “*ALL WE ASK IS TO BE LET ALONE!*” How can they be let alone, *without destroying the Union and the Constitution?* If any man will tell me that, I will say let them alone. With unequalled skill in raising false issues, the secessionists in our midst labor to fan the flame of rebellion here, by impressing upon the minds of all within the reach of their influence, that the controversy of the revolted States is with “*ABE LINCOLN*;” when those States are in arms against the supreme constitutional authority of the nation. They seek by every contrivance to excite odium against the Government, because “*ABE LINCOLN*” is, in accordance with the Constitution, at the head of it: a very sufficient reason for changing the Administration, at the proper time, by the votes of the people, but not the least justification or apology for rebellion. They stigmatize every man as a Black Republican or an Abolitionist, who adheres to the constitutional government of his country, in its efforts to protect itself from subversion. They are convulsed with holy horror at violations of the Constitution by “*ABE LINCOLN*,” when an overwhelming emergency, never dreamed of by the framers of that instru-

ment, compelled the exercise of perhaps unauthorized powers, to preserve the very existence of the government against a most formidable and deadly rebellion, which they justify. They denounce in unmeasured terms the military preparations of the Government to meet this rebellion, and exalt the insurgents as patriots armed to defend their families and their firesides; when not a soldier would have been added to the regular army, or a regiment marched Southward, but for a revolt aiming at the entire demolition of the Constitution, and the seizure of the government by armed usurpation. All these are but the artful shifts of treason, to sustain its desperate cause. I despise and reject the whole brood of them. I STAND BY THE CONSTITUTION OF THE UNITED STATES; and when it is threatened with destruction, I no more stop to inquire who is President, than if the police of my city were engaged in quelling a riot, I would higgle about who is Chief of Police. The question is, Where is the constitutional authority? To that I am bound to render obedience and support, without constituting myself the judge as to whether, in a dire extremity, it restrains itself precisely within legally defined limits, when to do so might leave it at the mercy of foes armed for its subjugation. He who arms himself to subvert that authority, is, by the law of God and man, a rebel, no matter who holds office; and if any man can find any other way to deal with him than with the weapons he himself has chosen, let him point it out;—I know of none. Before God, I take no pleasure in the necessity which demands such a resort. All my instincts and principles are against bloodshed; but no rebellion ever was put down without it; and this can hardly expect to be an exception. Upon its instigators must rest all the awful consequences of their appeal to arms. They have challenged the combat, and it lies not in their mouths, or in those of their aiders and abettors here, to complain that the government defends itself, by extraordinary, or, even, unconstitutional means. Had such an attack been made upon it by a foreign foe without being repelled, the Nation would have stood disgraced before the world forever: if this rebellious assault be not resisted by all the power of the loyal portion of the Nation, shall we meet any other fate? It is, then, no spirit of malice or vindictiveness which justifies the government in self-protection by arms. The simple alternative is, government or anarchy. The latter would destroy our freedom, perhaps forever, and blight us with a perpetual curse. We are lost, if our Constitution is overthrown. Thenceforward we may bid farewell to liberty. Never were truer or greater words uttered by an American statesman, than when DANIEL WEBSTER closed his great speech in defence of the Constitution, nearly thirty years ago, with that sublime declaration—“*LIBERTY AND UNION, ONE AND INSEPARABLE, NOW AND FOREVER!*” Union gave us liberty, disunion will take it away. He who strikes at the Union, strikes at the heart of the Nation. Shall not the Nation defend its life? And when the children of the Union come to its rescue, shall they be denounced? And if denounced, will they quail before the mere breath of the Union’s foes? For one, I shrink not from any words of man, save those which would justly impute to me disloyalty to the Union and the Constitution. My country is all to me; but it is no country without the Constitution which has exalted and glorified it. For the preservation of that Constitution I shall not cease to struggle, and my life-long prayer will be, GOD SAVE THE AMERICAN UNION!